Constitution
of the
Nunakauyarmiut Tribe
Toksook Bay, Alaska
October 1998

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PREAMBLE

We, the Nunakauyarmiut Tribe, being descendants of the Sovereign Ethnic Band known as the Qaluyaarmiut, and recognized as the Native Village of Toksook Bay, do hereby assert our freedom as a Sovereign People in a historical relationship with the United States of America as expressed through this Constitution. In this assertion, we adopt and institute this Constitution to affirm our faith in fundamental Native Rights and Traditions, and, to promote our Tribe's Social, Cultural, Educational and Political Aspirations under the inherent sovereign authority of our Tribe. This Constutution was adopted by the tribal voters on November 3 of 1998 and shall supersede the previous Toksook Bay Traditional Council Constitutions.

ARTICLE I - NAME

The name of our Tribe shall be the Nunakauyarmiut Tribe.The name of our governing body shall be known as the Nunakauyak Traditional Council. The other names that have been used in the past for our Tribe include the Native Village of Toksook Bay and the Village of Toksook Bay. The previous names of our Traditional Council, Toksook Bay Traditional Council and Village Council of Toksook Bay, shall be superseded by the Adoption of this Constitution.

ARTICLE II - TERRITORY & JURISDICTION

The Territorial Jurisdiction of the Nunakauyarmiut Tribe shall extend to and include all lands and waters constituting the Indian Country of the Nunakauyarmiut Tribe as defined by Federal and Tribal Law. To the extent consistent with Federal Law, such lands and waters shall include, but not be limited to, all lands and waters customarily and traditionally used by the people of Toksook Bay. These lands are comprised of those selected by the Nunakauiak Yupik Corporation for the people of Toksook Bay under the Alaska Native Claims Settlement Act (P.L. 92. 203); those Calista Corporation Lands adjacent to Nunakauiak Yupik Corporation Lands which have been customarily and traditionally used by the people of Toksook Bay; all lands

within Toksook Bay Village Site; and all Fee Lands and Allotments within the Traditional Lands of Toksook Bay, regardless of issuance of any Patented or Unrestricted Fee Title to any such lands

ARTICLE III - MEMBERSHIP

Section 1. Base Membership Roll. The membership of the Nunakauyarmiut Tribe shall consist of all Alaskan Natives whose names appear on the Base Membership Roll already adopted by the Toksook Bay Traditional Council.

Section 2 Qualifications for Membership.

A) Lineal descendants of members listed on the Base Membership Roll, regardless of their blood quantum, shall automatically be eligible for membership in the Nunakauyarmiut Tribe, subject to the provisions of this Constitution and to any membership and enrollment ordinances enacted pursuant to this Constitution.

B) Any Individual who has been legally adopted by a member or members of the Nunakauyarmiut Tribe, including those who were or are adopted by the Native Village of Toksook Bay shall be considered as members.

C) Any Alaska Native or American Indian who became a Resident of the Native Village of Toksook Bay or becomes a Resident of the Nunakauyarmiut Tribe, either through marriage or voluntarily, qualified or will qualify and may apply in accordance with the Tribal Enrollment Ordinance for membership after continuous residency of 3 (three) years.

Section 3. Adoption of Members.

The Nunakauyak Traditional Council shall have the option to adopt any Alaska Native person who is not a descendant of members listed in the Base Membership Roll according to the provisions of the Tribal and Membership Enrollment Ordinances.

Section 4. Membership Ordinances.

The Nunakauyak Traditional Council shall have the power to enact Ordinances and Resolutions not inconsistent with this Constitution, prescribing rules and regulations governing membership including application; appeal procedures; loss of membership; dual enrollments; and adoption of members.

Section 5. Rules & Regulations.

The Nunakauyak Traditional Council shall have the authority to establish other Rules & Regulations by means of Resolutions governing future membership, membership losses, dual membership, appeal procedures, and adoption of members.

ARTICLE IV - RIGHTS OF MEMBERS

Section 1. Attending Tribal Council Meetings.

Nunakauyarmiut Tribal Members shall have the right to attend all Nunakauyak Traditional Council meetings, except when the Nunakauyak Traditional Council is engaged in an Executive Session and when the Traditional Council is acting as The Nunakauyarmiut Tribal Court.

Section 2. Proposal of Ordinances.

Nunakauyarmiut Tribal Members shall have the right to propose ordinances to the Nunakauyak Traditional Council; and shall have the right to be present and speak at meetings where ordinances are being considered and/or voted upon.

Section 3. Access to Tribal Records
Nunakauyarmiut Tribal Members shall have the right to review all tribal records, including financial records, during office hours in accordance with procedures established by the Nunakauyak Traditional Council. Exceptions will be in cases where Child Welfare, Litigation, Personnel, Individual Enrollment Records, and other confidential records as defined by Tribal Ordinance are concerned.

Section 4. Equal Chance.
All Officially enrolled Tribal Members and their descendents shall have equal chance to share in the benefits of the Nunakauyarmiut Tribe and its Traditional Council.

Section 6. Retention of Rights.
The Rights here enumerated shall not be construed to deny or disparage other rights retained by the Nunakauyarmiut Tribe.

ARTICLE V - GOVERNING BODY

Section 1. Name.
The governing body of the Nunakauyarmiut Tribe shall be the Nunakauyak Traditonal Council also referred to as Council or Traditional Council in this Constitution. The Traditional Council shall represent the Nunakauyarmiut Tribe and shall exercise the powers vested by the Nunakauyarmiut Tribe as delegated through this Constitution.

Section 2. Composition.
A) The Council shall consist of 7 (seven) members who shall be elected by a majority vote of the qualified voters of the Nunakauyarmiut Tribe who are present either in person or through proxy. All seven Council members shall be entitled to vote during meetings of the Council, except on matters involving Conflict of Interest. The seat that each member fills shall be assigned a letter and a clear record of term length for each seat shall be kept. The seats shall be identified by the letters A through G.
B) In addition to the 7 elected members, there shall be 2 (two) Elders who shall be chosen by the Elders of the Nunakauyarmiut Tribe. These Elders shall occupy their seats until death or voluntary resignation. These Elder Seats shall be advisory in nature.
C) The Nunakauyak Traditional Council may, from time to time, create or appoint standing committees on Finance; Personnel; Policy; By-Laws; Planning; Development; Enrollment Ordinance; Public Safety; Health; Education; Gaming & Recreation; and other special committees if and when necessary.

Section 3. Quorum.
Four Council members shall constitute a quorum for the transaction of business at any meeting of the Traditional Council.

Section 4. Officers.
A) The Officers of the Council shall include a President, First Vice President, Second Vice President, Secretary, Treasurer, Sergeant-At-Arms, and a Member. These Officers shall be elected to their positions from within during every organizational meeting following the Annual Election.
B) The Elders will be designated as First Traditional Chief and Second Traditional Chief.

Section 5. Qualifications for Tribal Council
Members of the Nunakauyarmiut Tribe, 18 (eighteen) years of age or older without felony criminal convictions and having resided for at least 3 (three) years in Toksook Bay prior to an election, shall be qualified to hold a seat on the Traditional Council.

Section 6. Terms of Office.
All seats on the Nunakauyak Traditional Council shall be for 3 (three) years, provided that shorter terms are to be used to initiate a staggering process. Seats shall have assigned letters (A-G) and records of those seats with their allotments and time lengths shall be kept in the Traditional Administrative Office. All incumbents shall continue in office until their successors are duly elected and installed.

Section 7. Conflict of Interest.
No Council Member shall vote on any matter which will constitute personal, private, or commercial gain, monetary benefit, or on any matter in which he/she has a personal interest. A personal interest situation includes, but is not limited to, the involvement of one's spouse, children, siblings, parents, and grandparents. Other situations for conflict of interest include , but are not limited to, votes on Employment Contracts; Project Funding; Project Allocations; and Appointments to Tribal Committees. Council Members present in such situations shall reveal conflict of interest prior to any vote.

ARTICLE VI - POWERS OF THE NUNAKAUYAK TRADITIONAL COUNCIL

Section 1. Powers.
The Nunakauyak Traditional Council shall represent the Nunakauyarmiut Tribe by exercising the following powers by appropriate activity, motion, resolution, ordinances, or decisions not inconsistent with or contrary to this Constitution:

A). To consult, negotiate, contract, or conclude and execute agreements with the Federal, State, Local, and Tribal Goverments; any Individual or Firm on activities which may impact or affect the general welfare of the Nunakauyarmiut Tribe.

B). To employ Legal Counsel and determine choice of Legal Counsel and set fixed standard fees, whenever necessary.

C). To provide for the maintenance of Law and Order and the Administration of Justice, including the establishment of appropriate tribal courts and other judicial bodies.

D). To appoint prominent local Tribal members to serve in the Nunakauyarmiut Tribal Judicial Council.

E). To make appointments to fill vacancies, in the event vacancies occur, in the offices of either the Nunakauyak Traditional Council or the Nunakauyarmiut Tribal Judicial Council.

F). To protect and preserve the wildlife and natural resources of the Nunakauyarmiut Tribe by regulating hunting, trapping, fishing, and development within its Jurisdictional Boundaries.

G). To manage and control Tribal Properties, Enterprises, and other economic development projects and programs of the Nunakauyarmiut Tribe.

H). To appropriate sufficient Tribal funds for Tribal gains and purposes.

I). To provide for , by resolution or ordinance, the conditions upon which non-members may enter and /or remain inside boundaries or jurisdiction of the Nunakauyarmiut Tribe; and to provide for the removal, banishment, or exclusion of any member or non-member whose presence is or may be deemed with good reason to be injurious and detrimental to the Nunakauyarmiut Tribe or to its interests.

J). To veto the sale, disposition, lease, or encumbrance of Tribal Lands, Interests in Tribal Lands, Tribal Funds, or other Tribal Assets which may be authorized by any agency or employee of the Federal, State, and Local Government, or any Individual or Firm without the consent of the Nunakauyak Traditional Council.

K). To encourage, guard, promote, and foster the traditional cultural practices of the Nunakauyarmiut Tribe, including arts, crafts, religion, language, and customs of the Tribe.

L). To continue the inherent practice of doing all things for the common good of its Members.

M). To Levy taxes, dues, fees, and assessments for Tribal purposes and to provide for their collection and enforcement through its policies, resolutions, or ordinances for the good of the Tribe. No assessment shall be laid except by the policy, resolution, or ordinance of the Nunakauyak Traditional Council which has been enacted by a 2/3 majority decision of the eligible Nunakauyarmiut Tribal Member Voters present in person or through valid proxy at any duly called meeting.

N). To regulate its own procedures by the appointment of qualified persons to subordinate committees, commissions, boards, tribal officials/agents or employees not otherwise provided for in its Constitution. To prescribe the salaries and wages, tenure, duties, and responsibilities, where ever or when ever such may be required. Some appointees may or may not be Tribal Members.

O). To enact ordinances consistent with this Constitution for the conduct and administration of all Tribal functions.

P). To acquire property and accept gifts.

Q). To pass ordinances governing future membership, loss of membership, and the adoption of members.

R). To regulate inheritance among members whether by intestacy or otherwise.

S). To regulate child custody and other domestic relations among Tribal members.

T). To zone, exercise the power of eminent domain, and otherwise regulate all land use within those under jurisdiction of the Nunakauyarmiut Tribe.

U). To exercise such additional powers as may be delegated by the Nunakauyarmiut Tribe to its Traditional Council.

Section 2. Limitation.

In the exercise of its powers, Nunakauyak Traditional Council-aaq taqusngaituq alangaarnarqelriamek yaatikun wanirpak pinarqelriim wallu arcaqalriim awatiikun wafen piraarpegnani:

A). Yuni quyurulluki tauna pinarqelria qanaatekqesqelluku wallu arenqiirtutekqesqelluku.

B). Yuut quyurtellerkaat asqiallugeskan, tauna pinarqelria taqluku taugaarn egmian kalikarmek nalqigutmek agarciarkauluni yuut tangerrluku naaqerkaatnun.

Section 3. Omissions.
Any Rights and Powers vested in the Nunakauyarmiut Tribe, but not expressly referred to in this Constitution, shall not be lost by reason of their omission, but may be exercised by the Council, upon approval by referendum to the Tribal voters.

ARTICLE VII - POWERS RESERVED TO THE NUNAKAUYARMIUT TRIBAL MEMBERS

Section 1. Tribal Lands.
The following powers are specifically reserved to the qualified voters of the Nunakauyarmiut Tribe acting through a properly called election of the Nunakauyarmiut Tribal Membership meeting.

A). No lands or interests in lands owned by the Nunakauyarmiut Tribe may be sold, leased, encumbered, or disposed of without an affirmative vote of at least 2/3 (two-third) of the qualified, eligible Nunakauyarmiut Tribal Member voters represented in person or valid proxy.

B). Nothing in this Article shall prohibit the Nunakauyak Traditional Council from establishing and administering a Tribal Land Assignment Program through a Tribal Ordinance.

ARTICLE VIII - ELECTIONS

Section 1. Voter Qualifications.
Any enrolled Nunakauyarmiut Tribal Member 18 (eighteen) years of age or older shall be qualified to vote.

Section 2. General Elections.
There shall be a Tribal General Election to vote for the Nunakauyak Traditional Council candidates every year on the first Tuesday of October unless otherwise decided by the Nunakauyarmiut Tribe, but such decision must be approved by the 2/3 majority of the Tribal members who are eligible to vote. All elections shall be conducted by secret ballot.

Section 3. Special Elections.
The Nunakauyak Traditional Council may, by resolution, call a Special Election

Section 4. Prior Notice.
All Tribal Election events shall be announced by a posting of special notices in 3 (three) central locations in Toksook Bay at least 3 (three) weeks prior. These notices will describe the pending election by stating the reason for, including the seats and number of expiring terms or vacancies for solicitation purposes.

Section 5. Election Committee.
The Nunakauyak Traditional Coucil shall appoint an election committee of 3 (three) adult Nunakauyarmiut Tribal Members prior to the elections to supervise, administer, and conduct tribal elections. The election committee shall certify election results. In the event of election disputes, the determination of the election committee shall be final. In election for seats on the Nunakauyak Traditional Council, no member of the election committee shall be a candidate for or a member of the Traditional Council.

ARTICLE IX - REMOVAL, RECALL, FORFEITURE, VACANCIES.

Section 1. Removal.
Any Nunakauyak Traditional Council member found guilty by fellow Traditional Council members of neglect of duty, violation of oath of office, gross misconduct in office, incompetence or any offense involving dishonesty may be removed from office by the Traditional Council. There must be a majority of 4 (four) votes in favor for removal from the Traditional Council members. A Council Member subject to such removal must be given 10 (ten) days notice in writing of the charges against him/her and be given opportunity to answer such charges before the Traditional Council. If the person subject to removal fails to appear before the Council, the Council may proceed with the vote as scheduled. No member of the Traditional Council shall preside over a meeting in which his/her removal is being considered. All questions of removal under this Section shall be resolved by the Traditional Council and the decision of the Traditional Council shall be final.

Section 2. Recall.
Any member of the Traditional Council may be recalled by the Nunakauyarmiut Tribal voters through a petition and election process as follows:

A) A petition requesting such recall shall be filed and presented to a Traditional Administrative Official who is not a Traditional Council member, signed by at least 1/3 (one-third) of the eligible Tribal voters provided that the petitioners file a copy of the petition prior to soliciting of signatures. If such a copy was not filed, the petition shall be considered null and void.

B). Within 15 (fifteen) days of receipt of such a petition, the Administrative Official shall notify the Traditional Council Member who is the subject of a recall petition by registered mail with a return receipt requested requesting his/hers presence at the meeting with the rest of the Nunakauyak Traditional Council to reveal the charges against him/her and to further advise him/her of the time and place of the special meeting of the Tribal membership to conduct a special recall election and also his/her right to present his/her defense.

C). Recall voting shall be done by a secret ballot which will simply ask for a yes or no vote. At least 2/3 (two-third) of the eligible registered Tribal voters present in person or through valid proxy shall decide whether or not to approve of the recall of the Traditional Council member in question. Subjects of sucessful recall elections shall be stripped of their status' as Traditional Council members.

D). If a Traditional Council member who is the subject of a recall petition does not wish to challenge the recall petition filed against him/her, he/she shall have the right to resign voluntarily. Such voluntary resignation will remove the burden of having to go through a recall election.

Section 3. Forfeiture.
Any member of the Traditional Council who submits a written resignation, is convicted of a felony or corruption while in office, or is absent from 3 (three) regular meetings without excuse from the rest of the Traditional Council within 6 (six) months shall automatically forfeit his/hers seat.

Section 4. Vacancies.
Vacancies which occur in the Nunakauyak Traditional Council shall be filled as prescribed in and under the following conditions:

A). When vacancies occur within or less than 180 (one hundred eighty) days before the next General Election, the Nunakauyak Traditional Council shall appoint, by a majority vote a qualified Tribal Member to fill the vacancy until the General Election.

B). When vacancies occur more than 180 (one hundred eighty) days before the next General Election, the Nunakauyak Traditional Council shall call a special election as specified under Article VIII, Sections 3 & 4 to fill that vacancy. Under such situation, the term of that seat will be honored.

C).When vacancies occur within or less than 90 (ninety) days before the General Election, the seat will be left vacant. For certain situations, including quorum needs, the Traditional Council may temporarily appoint a Nunakauyarmiut Tribal Member to serve.

D). All appointments will be subject to the election process despite the length of the terms of the seats they are appointed to.

ARTICLE X - POPULAR PARTICIPATION

Section 1. Initiative.
Qualified and duly enrolled Nunakauyarmiut Tribal Members who are eligible to vote shall have the right to bring forth issues or concerns for voting, not inconsistent with the provisions in this Constitution, through a submission of a valid petition signed by at least 1/3 (one-third) of Tribal Members who are eligible to vote. Once a valid petition has been submitted, one of two actions will take place:

A). The Nunakauyak Traditional Council shall call for an election within 45 (forty-five) days of the receipt of such petition. The position of the Nunakauyarmiut Tribe on the issue or concern brought before them through such a petition will be decided by the vote of at least 2/3 (two-third) of those eligible Tribal Members present in person or through valid proxy in the election. The notice of such an election shall be posted in 3 (three) central places at least 30 (thirty) days prior to the election.

B). In the event that the Nunakauyak Traditional Council fails to act on the petition, the issue may be brought before a Tribal Membership meeting. If the petition calling for an initiative is valid, a new petition calling for such a meeting shall not be required.

Section 2. Referendum.
The Nunakauyak Traditional Council, by an affirmative vote of the majority of its members, may refer a referendum to the Nunakauyarmiut Tribal Members for a vote. Such a vote shall be called within 30 (thirty) days of the Traditional Council's decision. The position of the Nunakauyarmiut Tribe on the issue or concern brought before them through such a referendum will be decided by the vote of at least 2/3 (two-third) of those eligible Tribal Members present in person or though valid proxy in the election.

Section 3. Initiative and Referendum Decisions.
The decisions of the Nunakauyarmiut Tribal Voters in both Initiative and Referendum elections shall be binding on the Nunakauyarmiut Tribe and the Nunakauyak Traditional Council. The decision shall remain in full force until amended or rescinded by an action of the Tribal members or expires by its own terms.

ARTICLE XI - DUTIES OF OFFICERS

Section 1. Traditional Chief.
The Traditional Chief of the Nunakauyarmiut Tribe shall preside over all membership meetings and any special or ceremonial activities of the Tribe. He/she shall be Chief Advisor to the Traditional Council on traditionally and culturally related matters. When the Traditional Council is not in session, he/she shall, in union with the Traditional Council President, be the co-official representative of the Nunakauyarmiut Tribe.

Section 2. Second Traditional Chief.
The Second Traditional Chief shall assist the Traditional Chief when called upon to do so. In the absence of the Traditional Chief, he/she shall assume all the duties and responsibilities of the Traditional Chief. In the event that the Traditional Chief dies, resigns, or becomes unable to serve in his/her capacity, the Second Chief will automatically become the Traditional Chief.

Section 3. President.
The President of the Nunakauyak Traditional Council shall preside over all Nunakauyak Traditional Council meetings and the other functions sponsored by the Traditional Council. He/she shall be charged with the general responsibilities incident to the office of the President, including the responsibility for the day to day operations of the Tribal Administrative Offices which will be performed through delegation. The President shall be authorized to sign all contracts, resolutions, enrollment applications & cards, grant applications, leases, or other such official documents on behalf of the Nunakauyak Traditional Council and the Nunakauyarmiut Tribe and may delegate these authorities to the rest of the Traditional Council in his/her absence. The President shall be the official spokesperson of the Nunakauyak Traditional Council. In union with the Traditional Chief, he/she shall be the co-official representative of the Nunakauyarmiut Tribe.

Section 4. First Vice-President.
The First Vice-President shall assist the President and shall assume all the responsibilities of the President in his/her absence and shall succeed to the Presidency in case the President's seat becomes vacant due to death, resignation, or recall. A special responsibility reserved to the First Vice-President shall be the supervision of the Tribal Administration in making sure all valid petitions are carried out according to the procedures set forth in this Constitution.

Section 5. Second Vice-President.
The Second Vice-President shall assume all the responsibilities of both the President and the First Vice-President in their absences. He/she shall succeed to the First Vice-Presidency in case the First Vice-President's seat becomes vacant due to death, resignation, or recall. The Second Vice-President shall succeed to the Presidency if the First Vice-President is unable to take over the office for any reason. A special responsibility reserved to the Second Vice-Presidency shall be in making sure that all items for action arising from any Nunakauyarmiut Tribal Membership or Traditional Council meetings are carried out by relevant people or organizations.

Section 6. Secretary.
The Secretary shall be responsible for certifying documents with the President and, through delegation, for the maintenance of the following:
A). minutes of all Tribal Membership, Traditional Council, and other functional meetings.
B). the keeping of accurate files concerning records, business transactions, certified and legal documents and other such records as may require filing.

Section 7. Treasurer.
The Treasurer shall carry out the financial directives of the Traditional Council. Through delegation, he/she shall receive all Tribal monies and keep accurate account of the receipts and disbursements. He/she shall give a financial report when requested to do so by the Traditonal Council.

Section 8. Sergeant-At-Arms.
The Sergeant-At-Arms shall have the responsibility of keeping order during the Nunakauyarmiut Tribal Membership and Traditional Council meetings.

Section 9. Delegation of Authority.
A). Any of the Traditional Council Officers may delegate their authorities to other Traditional Council Officers at their own discretion or upon leaving the Community for extended, excused periods.

B). All records or files shall be transfered to newly elected officials upon the expiration of the incumbents' terms.

ARTICLE XII - MEETINGS

Section 1. Regular Meetings
The regular meetings of the Nunakauyak Traditional Council shall be held on the 1st (first) Tuesdays of each month, unless the Council decides otherwise through its resolution. The regular meetings shall be called by the Traditional Council President. The agenda for the meeting shall be posted in 3 (three) central locations at least 3 (three) days in advance. All regular meetings shall be open to the public, unless confidentiality is warranted by the subject matter(s) of the meeting. The minimum number required for establishment of quorum shall be 4 (four).

Section 2. Special or Emergency Meetings.
Special or Emergency meetings of the Nunakauyak Traditional Council or the Membership shall be held with at least 24 (twenty-four) hour or less notice. These meetings shall be called by either the Traditional Council President, the Traditional Chief, or a quorum of the Traditional Council. Unless Tribal membership is required or requested at the Special or Emergency Traditional Council meeting, the notice of such meetings shall not be rendered.

Section 3. Executive Sessions.
The Traditional Council may move to meet in a closed executive session during regular, special, or emergency meetings of the Traditional Council when the subject matter concerns child welfare, personnel, litigation, removal of Council members, tribal enrollment, confidential records, and any matters made confidential by their nature or tribal ordinance.

Section 4. Annual Tribal Membership Meeting.
An annual meeting of the Nunakauyarmiut Tribal Membership shall be held each year in October. The date, time, and place shall be determined by the Council during the Traditional Council's organizational meeting after the General Elections. The Council may also call Tribal Membership meetings at any time provided that notice is posted in 3 (three) central places at least 3 weeks in advance. A tribal membership meeting may also be called by the Tribal Membership through a circulation of a valid petition signed by at least 1/3 (one-third) of the eligible Nunakauyarmiut Tribal Members. Notice for meetings called by the Tribal Members shall be posted in 3 (three) central places 3 weeks in advance. The minimum number needed to establish quorum shall be 1/3 (one-third) of the eligible Nunakauyarmiut Tribal members.

ARTICLE XIII - SAVINGS AND SEVERABILITY

Section 1. Savings.
Unless inconsistent with this Constitution, all Tribal Ordinances enacted prior to the adoption of this Constitution shall remain in full force and effect.

Section 2. Severability
In the event that any provision of this Constitution is determined to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, the remaining provisions of this Constitution shall remain in full force and effect.

ARTICLE XIV - AMENDMENTS

Section 1. Amendments by the Tribal Members.
This Constitution may be amended, modified, or revised by the 2/3 (two-third) vote of the eligible Nunakauyarmiut Tribal Members present in person or through valid proxy in an election called for this purpose.

Section 2. Review & Recommendation of Amendments.
Realizing the continuous evolution of all things, it shall be the responsibility of the Nunakauyak Traditional Council to review this Constitution every 5 (five) years and recommend amendments, modifications, and/or revisions to the Nunakauyarmiut Tribe.

Section 3. Notices Concerning Amendments.
Notices concerning amendments, modifications, or revisions to this Constitution shall be posted in 3 (three) central locations at least 30 (thirty) days in advance. Unless otherwise specified such elections shall be held during the General Tribal Election only.

ARTICLE XV - SOVEREIGN IMMUNITY OF THE NUNAKAUYARMIUT TRIBE

Section 1. Conditions for Waiver.
Nothing in this Constitution shall be considered or interpreted to be a waiver of the Sovereign Immunity of the Nunakauyarmiut Tribe (or as is presently recognized in the Federal Register of the United States of America, the Native Village of Toksook Bay). The Sovereign Immunity of the Nunakauyarmiut Tribe shall be waived only by a resolution of the Nunakauyak Traditional Council and only for the purposes of obtaining funds where the temporary waiving of immunity is necessary to receive grants, contracts, and/or agreements. The waiving of immunity in these cases will only be in effect for the duration of the project, contract, or agreement.

Section 2. Status During Waiver.
Waiver of Sovereign Immunity of the Tribe shall not be considered a general consent to levy any judgement, lien, or attachment upon property of the Nunakauyarmiut Tribe, other than property specifically pledged, assigned, or otherwise explicitly subject to levy in the waiver resolution. A waiver which fails to comply with this Article of this Constitution shall be considered to be invalid

Section 3. General Waiver.
A general waiver of Sovereignty can only be decided by a referendum vote where at least 1/3 (one- third) of the eligible Tribal Members take part in person or through valid petition and when at least 2/3 (two-third) vote in favor.

ADOPTION

The adoption of this Constitution shall require a majority vote in an election in which at least 1/3 (one-third) of the eligible, resident Nunakauyarmiut Tribal members of Toksook Bay are present to cast their ballots. This Constitution shall become effective once it is given an affirmative vote.

CERTIFICATE OF THE RESULTS OF ELECTION

This Constitution of the Nunakauiarmuit Tribe was submitted to the qualified voters of the Tribe and on November 3, 1998 was duly adopted by a vote of 106 for, 46 against, in an election conducted in accordance with Article V of this Constitution.

Chairman, Election Board

Member, Election Board

Member, Election Board